

MEMO ENDORSED

Harmon, Linder & Rogowsky

Attorneys at Law

3 Park Avenue, 23rd Floor

Suite 2300

New York, NY 10016

Tel. (212) 732-3665

Fax. (212) 732-1462

David Harmon, Esq. *

*(1917-2013)

Mark J. Linder, Esq.

Ira Rogowsky, Esq.

Thomas A. Graci, Esq.

Bret Myerson, Esq.

Keith Mininson, Esq.

Michelle Jean-Jacques, Esq.

Eric Mausolf, Esq.

Jordan Byrd, Esq.

Thomas Mutone, Esq.

Jean Osnos, Esq.

Elisabeth Morgan, Esq.

Travis Frank, Esq.

Max Sverdlove, Esq.

Dwayne Crispell, Esq.

Rayne Sassower, Esq.

Martin Schwartz, Esq.

Steven Loren, Esq.

Danny Diaz, Esq.

Kesete Taye, Esq.

Jordan Hoch, Esq.

February 12, 2024

VIA ELECTRONIC FILING

Honorable Gary Stein

United States Magistrate Judge

United States District Court, Southern District of New York

500 Pearl St.

New York, NY 10007-1312

Re: Jose Antonio Jimenez et al. vs. Canada Transport Manic, Inc. et. al.

Civil Docket No.: 23-CV-03140

Dear Honorable Judge Stein:

This is a joint letter being filed by counsel for plaintiff, Jose Antonio Jimenez and Immaculada Jimenez, and counsel for defendants, Canada Transport Manic, Inc. and Circe Normand in the above referenced matter. Please allow this correspondence to serve as our motion for an adjournment of the currently scheduled Mediation on February 21, 2024 until April 19, 2024. The parties have been working diligently to complete discovery, however at this time it does not appear that fact discovery will be completed before the Mediation on February 21st. Specifically, party depositions did not go forward due to a related action brought by a passenger in plaintiff Jose Antonio Jimenez's vehicle initiated in Supreme Court in Bronx County, *Liliana Capellan Henriquez, v. Canada Transport Manic, Inc., Normand Circe, and Jose Antonio Jimenez, Index Number 814517/2023*. The plaintiff Jose Antonio Jimenez is a named defendant in the related action being represented by the law office of Baker McEvoy & Moskovits. The law office of Dickie McCamey & Chilcote has undertaken the defense of defendants Canada Transport Manic, Inc. and Normand Circe in that action as well. There is no diversity of citizenship in the related action and that matter remains in State Court. There were some issues to be resolved and then tracked with the related case which interfered with the scheduled deposition such as producing parties for deposition testimony twice. Both matters are now noted as related cases and the parties are actively conferring to schedule the depositions. While the parties have agreed to go to Mediation, deposition of the parties are necessary to have a meaningful negotiation discussion.

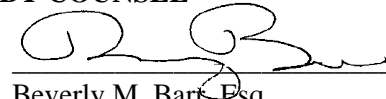
In light of the ongoing discovery, the parties have conferred to discuss this matter and respectfully submit this joint request for a 60-day adjournment of the Mediation on February 21, 2024 until April 19, 2024, or any convenient date for the Court.

This is the parties' first request for an adjournment of the Mediation.

Thank you for the opportunity to address the Court in this matter.

RESPECTFULLY SUBMITTED JOINTLY BY COUNSEL


Michelle Jean-Jacques, Esq.
Attorney for Plaintiff(s)
Harmon Linder & Rogowsky, Esqs.
3 Park Avenue - Suite 2300
New York, NY 10016
Tel: (212) 732-3665
E-mail: Mjnjacqueshr@gmail.com


Beverly M. Barr, Esq.
Attorney for Defendant(s)
Dickie McCamey & Chilcote, PC
445 Hamilton Avenue Suite 1102
White Plains, NY 10601
Tel: (914) 358-3290
E-mail: bbarr@dmclaw.com

Application granted. The settlement conference is hereby rescheduled to Thursday, April 18, 2024 at 10:00 a.m. *Ex parte* settlement letters are due by April 11, 2024. The Court's December 12, 2023 Order (Dkt. No. 17) otherwise remains in effect.
SO ORDERED.



Gary Stein
United States Magistrate Judge
Southern District of New York

Dated: February 13, 2024
New York, New York